

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
(PHILADELPHIA)**

IN RE:

**Phyllis P. Oliver**  
Debtor

CHAPTER 13

CASE NO.: 24-11429-amc

HEARING DATE: 08/27/2024

TIME: 11:00am

LOCATION: Courtroom #4

**MOTION OF CARRINGTON MORTGAGE SERVICES, LLC AS SERVICER FOR  
DEUTSCHE BANK NATIONAL TRUST COMPANY AS INDENTURE TRUSTEE FOR  
NEW CENTURY HOME EQUITY LOAN TRUST 2004-3 FOR RELIEF FROM THE  
AUTOMATIC STAY PROVISIONS OF 11 U.S.C. § 362(A) AND RELIEF FROM CO-  
DEBTOR STAY PROVISION OF 11 U.S.C. § 1301 TO PERMIT MOVANT TO  
COMMENCE OR CONTINUE FORECLOSURE PROCEEDINGS ON 6222 N 10<sup>TH</sup>  
STREET, PHILADELPHIA, PENNSYLVANIA 19141**

AND NOW COMES, Carrington Mortgage Servicing, LLC (“Carrington”) as servicer for Deutsche Bank National Trust Company as Indenture Trustee for New Century Home Equity Loan Trust 2004-3 (“Movant”), by and through its attorneys, Hill Wallack LLP, and respectfully represents as follows:

1. This Motion (the “Motion”) is filed by Movant for relief from the automatic stay provisions of 11 U.S.C. §362(a) to permit Movant to commence or continue its foreclosure on real property located at 6222 N 10<sup>th</sup> Street, Philadelphia, Pennsylvania 19141 (the “Mortgaged Premises”).

2. On or about August 26, 2004, Phyllis Oliver (“Debtor”) executed and delivered to New Century Mortgage Corporation a Promissory Note (“Promissory Note”) in the principal amount of \$85,500.00. A true and correct copy of the Promissory Note is attached hereto and made a part hereof as Exhibit “A.”

3. To secure the obligations under the Promissory Note, Debtor granted to New Century Mortgage Corporation, a valid, enforceable, and recorded first lien and mortgage (the “Mortgage”) on the Mortgaged Premises, all of the terms of which are incorporated herein by reference as if fully set forth at length, which Mortgage was thereafter recorded in the City of Philadelphia County Recorder of Deeds Office on September 17, 2004 in Instrument Number

51017843. A true and correct copy of the Mortgage is attached hereto and made a part hereof as Exhibit “B.”

4. Movant is the current mortgagee by virtue of an Assignment of Mortgage. A true and correct copy of the full recorded Assignment of Mortgage Chain is attached hereto and made apart hereof as Exhibit “C.”

5. Debtor entered into a loan modification with Movant in or around January 23, 2010. A true and correct copy of the Loan Modification Agreement is attached hereto and made apart hereof as Exhibit “D.”

6. On April 29, 2024, Debtor, Phyllis P. Oliver, filed a petition for relief under Chapter 13 of the United States Bankruptcy Code.

7. The Debtor listed the current value of the Mortgaged Premises in his Schedule A/B in the amount \$168,000.00.

8. As of the petition date, Movant is the holder of a secured claim in the amount of \$260,880.31 with pre-petition arrears due in the amount of \$169,546.90 together with additional legal fees and costs and taxes due and payable on the Mortgaged Premises per the Proof of Claim 2-1 filed July 3, 2024.

9. The current monthly payment on the Mortgage is \$1,210.48 per the Proof of Claim filed July 3, 2024.

10. Debtor is currently in arrears post-petition for failure to pay the post-petition payments due May 1, 2024 through July 1, 2024 in the amount of \$3,631.44 ( $\$1,210.48 \times 3$  months) minus \$0.00 in suspense, for a total of \$3,631.44. A true and correct copy of the post-petition ledger is attached hereto and made apart hereof as Exhibit “D”.

11. Consequently, Movant is entitled to relief from the automatic stay pursuant to 11 U.S.C. § 362(d) as the Debtor has defaulted on post-petition payments.

WHEREFORE, Carrington Mortgage Servicing, LLC as servicer for Deutsche Bank National Trust Company as Indenture Trustee for New Century Home Equity Loan Trust 2004-3

respectfully requests that this Court enter an Order granting relief from the automatic stay provisions of 11 U.S.C. § 362(a) to allow Movant to proceed in its foreclosure of the Mortgaged Premises, to name the Debtor in the foreclosure suit solely for the purpose of foreclosing their interests in the Mortgaged Premises, and to allow Movant, or any other purchaser at the Sheriff's Sale, to take any legal action necessary to gain possession of the Mortgaged Premises.

Respectfully submitted,

By: /s/ Angela C. Pattison

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